

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: : CHAPTER 13  
: :  
STEVEN E WEINSTEIN, : CASE NO. 22-50832-WLH  
: :  
DEBTOR. : :

**UNITED STATES TRUSTEE'S RESPONSE TO  
CHAPTER 13 TRUSTEE'S MOTION TO DISMISS CASE**

Mary Ida Townson, United States Trustee for Region 21, (the "United States Trustee"), through undersigned counsel, files this response to the Motion to Dismiss Case for Failure to Comply with 11 U.S.C. Section 109(h) and 11 U.S.C. Section 521(b) (Dkt. No. 10) and the Chapter 13 Trustee's Objection to Confirmation and Motion to Dismiss (Dkt. No. 16). The United States Trustee does not oppose the eventual dismissal of this case; however, the United States Trustee requests the Court grant her a period of time to investigate and file and prosecute one or more civil enforcement remedies addressing the conduct of Emanuel De'Andre Clark, a/k/a Emanuel Clark ("Clark"), in and in connection with this case.

**FRAUDULENT PETITION DELIVERED IN THIS CASE BY CLARK**

1. On January 31, 2022, the day before foreclosure Tuesday, Emanuel De'Andre Clark hand-delivered to the Clerk of Court a skeletal chapter 13 bankruptcy petition listing Steven E. Weinstein as debtor:

**Case filed via:**

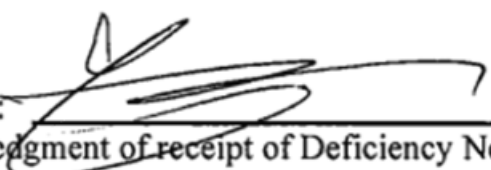
☒ Intake Counter by:

☐ Attorney

☐ Debtor - verified ID:

☒ Other - copy of ID: Emanuel De'Andre Clark  
404-338-8594

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Signature: 

Acknowledgment of receipt of Deficiency Notice

2. The skeletal petition lists only one creditor: National Banking Association. The purported debtor has never filed any additional documents, did not provide any tax returns to the chapter 13 trustee, and did not appear at the section 341 meeting of creditors.

3. The reason for the lack of activity in the case is straightforward: Steven E. Weinstein passed away on January 2, 2012, over a decade ago. Steven E Weinstein is purportedly the borrower on property located at 1516 Barrington Court Atlanta, GA 30327 – the debtor’s petition address -- which was scheduled for a foreclosure sale on February 1, 2022.

### **ABUSIVE BANKRUPTCY CASES FILED BY CLARK, AS DEBTOR**

4. On March 26, 2015, the Honorable Judge Sacca entered an order (“the Bar Order”) rendering Emanuel Clark ineligible to file a case under Title 11 of the United States Bankruptcy Code for twenty years from due to his filing of at least eight bankruptcy cases

using five different social security numbers. Upon information and belief, courier Emanuel De'Andre Clark and Emanuel Clark are one and the same person. See Exhibit 1.

5. Emanuel Clark has filed at least ten personal bankruptcy cases in the Northern District of Georgia after the entry of the Bar Order:

Case No.	Debtor Name on Petition	Chapter	SSN or Fed ID	Date of Dismissal	Reason for Dismissal
15-56495-CRM	Clark, Emanuel	13	xxx-xx-1285	5/8/2015	Order Dismissing Case – Failure to Correct Filing Deficiency.
15-69447-BEM	Clark, Emanuel	13	xxx-xx-5773	10/22/2015	Order Dismissing case for debtor's failure to pay filing fee.
17-66025-CRM	Clark, Emanuel	13	xxx-xx-5773	9/28/2017	Order Dismissing case for debtor's failure to pay filing fee.
17-66447-PMB	Clark, Emanuel	13	xxx-xx-1285	10/6/2017	Dismissed for failure to pay filing fee
18-60141-PWB	Clark, Emanuel D	7	xxx-xx-1285	10/09/2018	341 held and concluded Closed without discharge.
19-53206-PWB	Clark, Emanuel	7	xxx-xx-1285	3/14/2019	Order Dismissing Case for failure to file list of creditors.
19-54829-PWB	Clark, Emanuel	7	xxx-xx-1285	4/23/2019	Order Dismissing Case – Failure to Correct Filing Deficiency – Schedules etc. not filed.
19-62225-LRC	Clark, Emanuel	7	xxx-xx-5773	8/22/2019	Order Dismissing case for debtor's failure to pay filing fee.
20-62638-LRC	Clark, Emanuel	13	xxx-xx-1285	3/19/2020	Order Dismissing Case on Show Cause.

Case No.	Debtor Name on Petition	Chapter	SSN or Fed ID	Date of Dismissal	Reason for Dismissal
20-68437-LRC	Clark, Emanuel	13	xxx-xx-4821	11/6/2020	Order Dismissing Case – Failure to Correct Filing Deficiency.
21-50811-PMB	Clarke, Emmanuel	13	xxx-xx-0848	04/15/2021	Order Dismissing Chapter 13 Case as <i>Void Ab Initio</i> Pursuant to 11 U.S.C. Sections 105(a), 109(g) and 349(a)

#### **OTHER FRAUDULENT OR ABUSIVE PETITIONS DELIVERED BY CLARK**

6. It appears Clark has further abused the bankruptcy system by participating in at least eleven other bankruptcy cases filed in the names of other persons between January 2017 and February 2022. *See* Exhibit 2. These cases were commenced by the filing of a skeletal petition which Clark hand-delivered to the Clerk's office; the purported debtors never filed a credit counseling certificate, never appeared at the section 341 meeting of creditors, and never received a discharge.

7. Most recently, on February 1, 2022, Clark delivered a petition for Robert Johnson (Case No. 22-50883-PWB), who, upon information and belief, is a deceased person.

8. These eleven cases have been dismissed for various administrative reasons, including failure to pay the filing fee or correct filing deficiencies.

## CONCLUSION

Emanuel Clark is abusing the bankruptcy system by perpetuating a seemingly endless string of fraudulent filings. While eventual dismissal of the case at bar is clearly appropriate, that dismissal alone would not prevent Emanuel Clark from filing additional fraudulent petitions. The United States Trustee is currently evaluating the options available to accomplish this goal, and requests additional time to formulate some possible solutions. The United States Trustee respectfully requests the Court allow the United States Trustee a period of time to further investigate these circumstances and to file and prosecute one or more pleadings or complaints the United States Trustee determines appropriate.

Respectfully submitted this 15<sup>th</sup> day of March, 2022.

MARY IDA TOWNSON  
UNITED STATES TRUSTEE  
REGION 21

/s/ *Thomas W. Dworschak*

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### **CERTIFICATE OF SERVICE**

This is to certify that I have on March 15, 2022 electronically filed the foregoing *UNITED STATES TRUSTEE'S RESPONSE TO CHAPTER 13 TRUSTEE'S MOTION TO DISMISS CASE* using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following party who has appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Lisa F. Caplan  
Ryan Williams

[lcaplan@rlselaw.com](mailto:lcaplan@rlselaw.com)  
[rwilliams@njwtrustee.com](mailto:rwilliams@njwtrustee.com)

I further certify that on March 15, 2022 I caused a copy of this document to be served via United States First Class Mail, with adequate postage prepaid on the following party at the address shown:

Steven E. Weinstein  
1516 Barrington  
Atlanta, GA 30327

Emanuel De'Andre Clark  
4 Rockmart Drive  
Atlanta, GA 30314

**/s/ Thomas W. Dworschak**